



Circular No – 062/2024

Date: 22.10.2024

To
All Members of The Association

**SUPREME COURT LAYS DOWN GUIDELINES FOR
DETERMINING THE EMPLOYERS LIABILITY IN CASE OF SUICIDE
BY EMPLOYEES**

1. The Hon'ble Supreme Court in the case of **Nipun Aneja and others Vs. State of Uttar Pradesh decided on 03.10.2024** has laid down guidance on the circumstances in which official superiors can be held liable for abetment of suicide under section 306 of the Indian Penal Code (IPC) or section 108 of Bharathiya Nyaya Sanhita 2023.
2. The case relates to an employee of a multinational company who committed suicide in his hotel room Lucknow. His brother lodged the first information report alleging that his brother had been harassed by his superiors including the management to accept Voluntary Retirement Scheme (VRS). It was alleged in the complaint filed by the brother of the deceased that the company and its officials humiliated the deceased employee and other employees who had refused to accept VRS offered by the company. The police filed charge sheet and thus, initiated criminal proceedings against the company and its officials.

3. The company on its behalf and on behalf of the officials challenged the criminal proceedings initiated against them before the Hon'ble High Court of Allahabad at its Lucknow Bench. The Hon'ble High Court based on the statement given by the colleagues of the deceased employee found that deceased had been humiliated in a meeting and given a letter assigning him work in a lower position. The Hon'ble High Court found a direct link between the meeting and the suicide observing that deceased was continuously harassed and pressurized either to accept VRS or the demotion to the lower post. Accordingly, Hon'ble High Court declined to interfere in the matter.
4. The company filed an appeal before the Hon'ble Supreme Court which allowed the appeal and quashed the criminal proceedings against the proceedings.
5. The Hon'ble Supreme Court reviewed the law governing abetment of suicide, emphasizing that the prosecution must prove both suicidal death and abetment thereof.
6. The Supreme Court laid down the following principles after referring to several past judgments and laid down the following principles.
 - Mere harassment is insufficient. There must be evidence of positive act on the part of the accused to instigate or aid in the suicide.
 - Intention to instigate suicide is required. The accused's action must have intended to push the deceased to suicide.





- The accused's action must be proximate cause of the suicide. The prosecution must demonstrate a clear and direct link between the accused's action and deceased's decision to commit suicide.
- The Hon'ble Court clarified that test for abetment of suicide in cases involving official superiors is to determine if the accused intended the consequence of their actions, meaning the suicide itself.

For KARNATAKA EMPLOYERS' ASSOCIATION
Sd/
[B C Prabhakar]
President